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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-254 (SUB-NO. 10)

**PROVIDENCE AND WORCESTER RAILROAD COMPANY – ADVERSE
ABANDONMENT – TRACK OF HOUSATONIC RAILROAD COMPANY, INC.
IN FAIRFIELD AND NEW HAVEN COUNTIES, CONNECTICUT**

**MOTION OF PROVIDENCE AND WORCESTER RAILROAD COMPANY TO
WITHDRAW PETITION FOR WAIVER WITHOUT PREJUDICE**

Providence and Worcester Railroad Company (“P&W”) now moves to withdraw the Petition for Waiver it filed in this docket without prejudice to seeking similar relief in the future should the need arise. In support of this motion, P&W asserts as follows:

1. On September 10, 2010, P&W filed the Petition for Waiver of certain requirements of the Board’s abandonment regulations for an adverse abandonment application it intended to file. P&W made this filing, which involved certain track owned by the Housatonic Railroad Company, Inc. (“HRRC”), because the HRRC had failed to maintain the tracks, thereby effectively precluding P&W’s use of trackage rights it had over the line to serve shippers that had no other access to rail service.


2. As explained in a letter P&W filed with the Board that same day (namely, September 10, 2010), in the past P&W had been able to provide service to the shipper – notwithstanding HRRC’s failure to maintain the described line – over a substantially more circuitous routing. P&W’s ability to continue to use that alternative routing, however, was jeopardized due to certain work that was being done on that track by the Connecticut Department of Transportation (“CDOT”).

3. In the intervening period of time since the Petition for Waiver was filed, P&W has been able to provide service to the involved shipper during certain windows that the CDOT has made available. Consequently, while P&W still prefers to be able to use the more direct HRRC routing to serve this customer using its trackage rights, it is not necessary at the present time to use the Board's resources to ensure that P&W will be able to continue providing service to the shipper.¹

4. As the Board has not yet acted on P&W's Petition for Waiver, and as P&W does not at this time intend to file an adverse abandonment application, no parties will be prejudiced by the withdrawal of that petition.

Accordingly, P&W respectfully requests that the Board grant its motion to withdraw, without prejudice, the Petition for Waiver that it filed in this docket and discontinue this proceeding.

Respectfully submitted,



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¹ Notwithstanding the foregoing, the trackage described in P&W's Petition for Waiver, which involved approximately 12.8 miles of the HRRC Danbury Secondary Line between Derby Junction and New Town, Connecticut, remains out of service due to HRRC's failure to perform the repairs and maintenance necessary to put them back in service. As such, HRRC's continues to conduct what is essentially a *de facto* abandonment of that segment of the line.

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Attorneys for
Providence and Worcester Railroad
Company

Dated: June 16, 2011


CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion of Providence and Worcester Railroad Company to Withdraw Petition for Waiver Without Prejudice was served by electronic and first-class mail this date on the following parties:

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Old Lyme, CT 06371

Housatonic Railroad Company, Inc.
One Railroad Street
P.O. Box 1146
Canaan, CT 06018

Dated this 16th day of June 2011.



Edward D. Greenberg